

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 17, 2016

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JACK MAURICE HEWSON, JR.,

No. 2:15-CV-0136-SMJ

Petitioner,

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

v.

JAMES KEY,

Respondent.

Before the Court is Magistrate Judge Rodgers' December 18, 2015 Report and Recommendation, ECF No. 20, recommending that the Court grant Petitioner Jack Maurice Hewson, Jr.'s Petition for Writ of Habeas Corpus. Respondent timely filed an objection on December 29, 2015, ECF No. 21, and Petitioner filed a response on January 12, 2016, ECF No. 24. Petitioner also timely filed an objection on January 4, 2016, ECF No. 22, and Respondent filed a response on January 8, 2016, ECF No. 23.

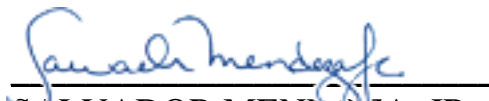
After reviewing the Report and Recommendation, the objections, the Petitioner's supplement, and relevant authorities, the Court finds the Magistrate Judge's findings are correct. Therefore, the Court adopts the Report and Recommendation in its entirety.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Report and Recommendation, **ECF No. 20**, is **ADOPTED** in its entirety.
2. The Petition for Writ of Habeas Corpus, **ECF No. 1**, is **GRANTED** as to Petitioner's 2011 Spokane County conviction for first-degree burglary and conspiracy to commit first-degree burglary.
3. Respondent's Motion to Dismiss, **ECF No. 14**, is **DENIED**.
4. The State must inform the Court whether it will retry the Petitioner on these charges within **90 days** of service of this order.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel and Magistrate Judge Rodgers.

DATED this 17th day of February 2016.


SALVADOR MENDOZA, JR.
United States District Judge